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SUMMARY RECORD OF THE 3rd MEETING

Chairman: Mr. AL-SHAALI (United Arab Emirates)

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The meeting was called to order at 3.05 p.m.

AGENDA ITEM 92: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (A/46/3 (Chap. IV, sect. A), A/46/18, A/46/166, A/46/183, A/46/184, A/46/344, A/46/391, A/46/447, A/46/465, A/46/501, A/C.3/46/2, E/1991/39)

AGENDA ITEM 93: RIGHT OF PEOPLES TO SELF-DETERMINATION (A/46/166, A/46/184, A/46/292, A/46/304, A/46/344, A/46/459, A/46/501)

1. Mr. HOUSHMAND (Director, Implementation of International Instruments and Procedures Branch, Centre for Human Rights), in his introductory statement, said that the fight against racism and racial discrimination had been one of the most important features of the United Nations human rights programme since its inception. One of the first actions taken by the General Assembly in the human rights field had been to call for the elimination of discrimination in all its forms. The efforts to combat racism and racial discrimination continued to represent a major imperative for ensuring peace and respect for human rights both nationally and internationally.

2. After recalling the objectives of the United Nations Second Decade to Combat Racism and Racial Discrimination, 1983-1993, he said that, despite the lack of additinal resources for the activities mandated for the period 1990-1993, the Centre for Human Rights was doing everything possible to implement those activities to some degree. For example, the meeting of experts to review the experience of countries in the operation of schemes of internal self-government for indigenous populations had taken place in Nuuk, Greenland, in September 1991 at the invitation of the Home Rule Government of that country and the Government of Denmark. Sixteen Governments, specialized agencies dealing with the special problems of indigenous peoples and 12 indigenous organizations had participated in the meeting.

3. In addition, a global compilation of national legislation to combat racial discrimination had been published and was being sent out to Governments and made available to the public. The Centre for Human Rights had prepared a related study on model legislation for the guidance of Governments in the enactment of further legislation against racism and racial discrimination, which had been submitted to the Committee on the Elimination of Racial Discrimination for comments and suggestions before being finalized. Those two volumes would serve as a useful and practical guide for promulgating constitutional guarantees and legislative remedies aimed at conbating racism and racial discrimination.

4. A wide range of additional activities were planned before the end of the Second Decade in 1993, including a handbook on recourse procedures for victims of racism and racial discrimination, now in preparation. The Centre for Human Rights was also conducting a study on how racial discrimination in the fields of education, training and employment affected the children of minorities, in particular children of migrant workers. At the conclusion of the study, recommendations would be made concerning implementation of measures to combat

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the effects of such discrimination. Details on other activities being carried out under the Programme of Action for the Second Decade were to be found in the reports before the General Asembly, in particular document E/1991/38. Special note should be taken of the contribution of the Committee on the Elimination of Racial Discrimination and of its suggestions relating to the third decade to combat racism and racial discrimination.

5. Turning to the International Convention on the Elimination of All Forms of Racial Discrimination, he informed the Committee that Zimbabwe had become the 129th State party to the Convention. The Committee on the Elimination of Racial Discrimination had taken a number of steps enabling it to discharge its mandate more effectively. Among them was a decision to review the implementation of the Convention in those States parties which were long overdue in submitting their periodic reports. In an effort to re-establish a constructive dialogue with those countries, the Committee had examined once again the most recent reports of some of them and had commented on subsequent developments affecting their obligations under the Convention. The new procedure had already yielded positive results.

6. Another important event in 1991 was the holding of a joint session of the Committee on the Elimination of Racial Discrimination and the Subcommission on Prevention of Discrimination and Protection of Minorities during which members of the two bodies discussed ways and means of coordinating their actions in combating racism and racial discrimination. The Committee had appointed some of its membes to keep it informed regarding the work of other treaty bodies as well as that of the Commission on Human Rights and its Subcommission. The Committee had also assigned one of its members to maintain liaision with the European Parliament.

7. After reviewing other CERD activities at the thirty-ninth and fortieth sessions, he noted that the Committee had considered a total of 57 reports submitted by 30 States parties and had adopted the practice of formulating more specific final comments following consideration of each report.

8. He pointed out that 1991 had been a very productive year for the Committee, due in large part to the fact that it had had sufficient funding to hold two sessions in one year, which had been its practice until the 1988 financial crisis. In his note of 14 May 1991, the Secretary-General had requested the States parties to the Convention to make known their views on the establishment of a contingency reserve fund. In their replies thus far, the States indicated their deep concern about the functioning of the Committee and supported the establishment of the fund as a means of stabilizing its financing. A number of States had taken the view that further measures would be needed to establish a more secure financial basis for the Committee's operations over the long term. That question would be discussed at the next meeting of the States parties in January.

9. He informed the Third Committee that the Government of Oman had deposited its instrument of ratification of the International Convention on the

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Suppression of the Punishment of the Crime of Apartheid, bringing to 89 the total number of States parties. The Group of Three on the implementation of the Convention, composed of the representatives of Ethiopia, Mexico and the Philippines, had met in Geneva in January and had considered reports submitted by two States parties. The Group had noted with great concern that, as of 31 December 1990, more than 180 reports on the implementation of the Convention were overdue and had urged States parties to expedite submission of their overdue reports. The Group had recommended to the Commission on Human Rights that, given the small number of reports received, the Group should meet every two years instead of annually. The Commission had approved that recommendation in its resolution 1991/10 of 22 February 1991.

10. In spite of some hopeful signs in South Africa, racism and racial discrimination continued to be one of humanity's most difficult and intractable problems.

11. With respect to the right of peoples to self-determination, the Commission on Human Rights at its forty-seventh session had adopted resolutions relating to the situation in Afghanistan (resolution 1991/4); the question of Western Sahara (resolution 1991/5); the situation in occupied Palestine (resolution 1991/6); and the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (resolution 1991/7) and one decision relating to the situation in Cambodia (decision 1991/104), which the Economic and Social Council had endorsed in its decision 1991/269 of 31 May 1991. With respect to the reports of the Secretary-General on that issue, it should be recalled that document A/45/500 contained a summary of action taken by the Commission on Human Rights at its forty-sixth session and by the Economic and Social Council at its first regular session of 1990, in addition to replies received from 11 Governments, 3 specialized agencies and United Nations organs, 2 intergovernmental organizations and 3 non-governmental organizations.

12. The Third Committee also had before it the preliminary report of the Special Rapporteur, contained in document A/46/459, on the question of the use of mercenaries.

13. Mr. VAN SCHAIK (Netherlands), speaking on behalf of the States members of the European Community, said that the Twelve had always condemned all forms of racism and racial discrimination and were convinced that human rights and fundamental freedoms for all individuals were essential perquisites for the dignity and well-being of mankind. In the Declaration of the European Council on anti-semitism, racism and xenophobia, made in Dublin on 25 and 26 June 1990, the Twelve had recalled explicitly that they supported all efforts to promote the eradication of racial prejudice, racism and racial discrimination and would continue to abide by the Declaration.

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14. One of the major actions of the United Nations since its foundation was combating racism and racial discrimination. The consensus which had always existed in that respect had been a key element in the process of elaborating international legal instruments in that area. That consensus had resulted in the launching of two Decades to Combat Racism and Racial Discrimination. Yet, on the threshold of a possible third Decade, the conclusion could be drawn that mankind still had a long way to go in eliminating racial prejudice, racism and racial discrimination, inasmuch as manifestations of racism and xenophobia were on the increase in many parts of the world. The European Community and its member States considered that a possible third Decade should make possible intensified national and international efforts to combat all forms of racism and xenophobia and recalled their strong belief that decisions on racism should be based on consensus.

15. From the study on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination submitted by the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1989/8), it became clear that the issue was complex and that the many activities undertaken within the United Nations system had only partly provided solutions to it. The Committee on the Elimination of Racial Discrimination and the Subcommission should be urged to participate in developing a programme for a possible third Decade.

16. In that respect, the work of the Committee on the Elimination of Racial Discrimination in monitoring the implementation of the major instrument in that field, the Convention on the Elimination of all Forms of Racial Discrimination was very important. Due to financial constraints and deficient reporting by States Parties, it had not been as successful as it might have been. States Parties must face the responsibilities to which they had committed themselves, including paying their financial contributions regularly and submitting reports to the Committee. It was hoped that the meeting of States Parties scheduled for the beginning of 1992 would approve measures which, in both the short and long term, would allow the Committee to fulfil its mandate.

17. The Subcommission on Prevention of Discrimination and Protection of Minorities also merited mention. It had requested the Secretary-General, inter alia, to organize a joint session with the Committee on the Elimination of Racial Discrimination. Such a joint meeting was judged to be a useful mechanism to establish contact and to exchange information on common issues, but they must be prepared well in advance. In the view of the Twelve, such future meetings should be action-oriented and should focus particularly on the exchange of information on new trends with regard to the incidence of racism and racial discrimination.

18. Fortunately, there had been positive developments with respect to the abolition of the apartheid system in South Africa. The legislative pillars of apartheid, which constituted a systematic violation of the principle of equal rights of all human beings, had at last been dismantled. The European

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Community and its member States had always unequivocally condemned that form of institutionalized State racism in South Africa, which deprived the people of their human rights and fundamental freedoms. The policy of the Twelve with regard to South Africa continued to be a commitment to the complete abolition of apartheid by peaceful means through negotiations and its replacement by a non-racial and democratic system in which all South Africans enjoyed equal rights.

19. While the Community and its member States had expressed their satisfaction with the progress achieved in South Africa on several occasions, they had also underscored the importance of resolving all outstanding questions as soon as possible in order to begin substantive negotiations on a new constitution. In that connection, they welcomed the agreement reached between the South African Government and the United Nations High Commissioner for Refugees on the return of refugees and political exiles to South Africa. That agreement had removed an important obstacle to negotiations. The persistent recourse to violence remained a matter of great concern and continued to hamper efforts to create a new, united, non-racial and democratic South Africa. In that connection, the Community and its members welcomed the signing of the national peace accord and expressed their hope that the agreement would finally put a definite end to senseless bloodshed. The statement on South Africa made by the European Community and its member States on 16 September 1991 had been issued as United Nations document A/46/492.

20. The European Community and its member States would continue to provide support to bring about equality and genuine reform by peaceful means. In addition, it was providing humanitarian aid to the victims of apartheid.

21. Turning to the item on the right of peoples to self-determination, he pointed out that the first article of both human rights Covenants proclaimed the right of self-determination. It was important to recall that, under the Covenants, self-determination was the right of peoples, not of States, and it applied with equal force to all peoples without discrimination. The European Community and its member States fully recognized that fundamental right and endeavoured to work for its universal implementation. The right to self-determination and the corresponding obligations relating to its implementation were intertwined with other provisions of the International Covenant on Civil and Political Rights and with the norms of international law. According to various articles of the Covenant, in particular articles 1 and 25, peoples had the right to change their Governments if they so wished, without threat of foreign intervention, coup d'état or state of emergency.

22. The Twelve believed that democratic pluralism, the principle of periodic and genuine elections and respect for human rights were the basis for economic, social and cultural development. Generally speaking, Articles 55 and 56 of the Charter, on international economic and social cooperation, formed the basis for United Nations intervention in the field of electoral assistance. Many countries which had begun the process of change towards

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democracy had requested United Nations electoral assistance. The Twelve had participated in United Nations initiatives in that field, especially through the Centre for Human Rights. They had given support in the form of experts and financial contributions and would continue to give such assistance in order to allow the United Nations to respond to the numerous requests it had received for pre-electoral assistance. They were convinced that such assistance merited increased support by Member States. Such activities could only be undertaken at the request and with the agreement of the State concerned and with the approval of the competent United Nations body. The Twelve reiterated their profound attachment to the principle of electoral assistance.

23. The European Community and its member States were deeply concerned about several cases where the right to self-determination was being denied to peoples. None the less, there were also some positive developments in many regions of the world, including Eastern Europe, Africa and Asia.

24. They warmly welcomed the restoration of the sovereignty and independence of the Baltic States and congratulated them on the resumption of their rightful place among nations. The Twelve called for an open and constructive negotiation between the Baltic States and the Soviet Union to settle outstanding issues between them. They also welcomed the participation of the Baltic States in the Conference on Security and Cooperation in Europe and in the United Nations and looked forward to their early membership and participation in other relevant international organizations, such as the Council of Europe.

25. The Twelve welcomed the fact that Kuwait had regained its independence, sovereignty and territorial integrity under its legitimate Government and that the rule of international law had been re-established. They were deeply concerned by the situation of the civilian population in Iraq, in particular the Kurds and Shiites. The Twelve confirmed their steadfast support for full and immediate implementation of all relevant Security Council resolutions.

26. The European Community and its member States recognized the right to justice for all peoples of the region, which included recognition of the legitimate rights of the Palestinian people, including their right to self-determination with all that that implied, and the right of all States in the region, including Israel, to live within secure, recognized and guaranteed borders. The European Community and its member States stressed the urgent need for Israel to open a political dialogue with the Palestinian people and supported the initiative to convene a peace conference on the Arab-Israeli conflict and the question of Palestine. They hoped that the conference would lead to a comprehensive, just and lasting settlement, in conformity with Security Council resolutions 242 (1967) and 338 (1973) and based on the principle of "land for peace". The Twelve believed that the establishment of new settlements in the occupied territories, including East Jerusalem, was contrary to international law and incompatible with the stated will to make progress towards peace.

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27. The European Community and its member States had supported the process of self-determination for Western Sahara and had noted with satisfaction the adoption by the Security Council and by the General Assembly of the report of the Secretary-General on the organization of a referendum on the exercise of the right to self-determination by the people of Western Sahara. The setting up of the United Nations Mission for the Referendum in Western Sahara represented an important step towards a just and lasting settlement of the conflict.

28. The European Community and its member States welcomed the holding of free elections in Myanmar but deeply regretted the failure of the Myanmar authorities to respond to their repeated appeals to respect the mandate given by the people in May 1990 and to introduce a democratic multiparty system. The European Community and its member States urged the present Government once again to initiate a democratic process, to respect internationally acknowledged norms, in particular in the field of human rights, and to release all political prisoners.

29. The European Community and its member States strongly supported the efforts of the five permanent members of the Security Council and the two co-Chairmen of the Paris Conference to achieve lasting peace in Cambodia. A comprehensive political solution would ensure the fundamental right of the Cambodian people to choose their own government in free and internationally supervised elections, and the independence, sovereignty, territorial integrity and neutrality of Cambodia. The Twelve welcomed the election of Prince Norodom Sihanouk as Chairman of the Supreme National Council of Cambodia, and also the important steps taken since June by the Cambodian parties themselves towards national reconciliation, which included a cease-fire, an end to external military assistance, a reduction in their armed forces and especially the agreement to adopt a democratic, multiparty system in Cambodia. In that respect they welcomed the intention to reconvene the Paris Conference and looked forward to the achievement of a comprehensive political settlement involving the participation of the United Nations.

30. The Twelve remained concerned about the continuance of the armed struggle in Afghanistan, the severe violations of human rights and the tragedy of the refugees and displaced persons. They welcomed the efforts of the Secretary-General to advance the dialogue among Afghan parties so as to achieve a political solution. The Twelve underlined the importance of the dialogue aimed at establishing a fully representative government in Kabul, and the importance of the participation of representatives of the resistance in that process. The European Community and its member States had welcomed the agreement between the United States and the Soviet Union to end arms supplies to the combatants and urged other Governments to follow their example. The Twelve wished to underline the important task the United Nations had in safeguarding the right of self-determination and in combating racism and racial discrimination, and to give expression once again to their commitment to strengthen the role of the United Nations in that respect.

31. Mrs. WARZAZI (Morocco) said that the competent bodies of the United Nations and the relevant specialized agencies had all been combating racism for decades and there were follow-up mechanisms for ensuring that the international instruments condemning apartheid and racial discrimination were respected. Yet, regrettably, at a time when there was no need for colossal resources to go to the military sector and when disarmament could free resources to solve some of the world's afflictions, the paucity of the resources devoted to combating racism meant that it was almost impossible for the monitoring mechanisms to perform their task.

32. Today, it was a commonplace to express satisfaction over achievements in the world. But it had to be said that the democracy which had brought freedom to many peoples had also given rise to extreme nationalism, racial hatred and intolerance. That had affected national minorities and had put to the test both Governments and cooperative relations between neighbouring countries. Her delegation welcomed the spirit of dialogue in debates and negotiations on the protection of indigenous peoples, who were mankind's link with the past and its rich heritage. The international community must therefore spare no effort to meet the legitimate claims of those peoples. Her delegation believed that the draft declaration on the right of indigenous peoples and the activities planned for the International Year for the World's Indigenous People would contribute to better understanding of their problems and the achievement of satisfactory solutions.

33. The resurgence of nationalism and extremist right-wing movements had also claimed many victims among migratory workers. That serious problem could affect relations between countries of origin and countries of employment, at the world level. According to ILO statistics, the world total of migratory workers in 1990 had been 25 million. If the families of those workers were included, the expatriate population would exceed 75 million and could easily reach 100 million. The countries of origin were making every effort to curb illegal exodus, but were not always successful. Consequently, illegal workers should all be treated humanely in their country of employment, in accordance with the human rights covenants, which had inspired the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. She was concerned at the acts of violence and the verbal attacks to which those people were subjected and at the return of odious notions of racial and religious superiority. She recalled a statement by a director of an immigration authority in a country of employment to the effect that Muslim migrant workers would never become integrated in society unless they abandoned Islam. Her delegation was pleased that migration would be the main theme of the International Conference on Population and Development in 1994, but urged that the international community should not relax its vigilance on racism and racial discrimination, which were a scourge and a threat to all societies.

34. The right of self-determination had become a principle of international law which concerned all peoples of the world. The Moroccan delegation had participated in the drafting of General Assembly resolution 1514 (XV) and had

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submitted a draft resolution which had been adopted by the Third Committee; through that draft resolution, the Committee had decided to take up the case of sovereign States under foreign occupation.

35. In South Africa, the outlook was promising. The valuable measures adopted by President de Klerk had met the aspirations of the South African people. The peace agreement of 14 September 1991 and the constitutional reform were a source of satisfaction.

36. The international community could not be indifferent to the heroic struggle of the Palestinian people and particularly the children. She condemned the atrocities committed against the Palestinian population and said that the international situation called for total change. She was hopeful about the initiative to convene a peace conference on the Middle East and her country was ready to collaborate in any way. She also welcomed the Declaration of the Palestine National Council which would enable Palestine to take part in the Conference.

37. The new world order should ensure a land of peace, justice and security for all peoples. Tomorrow's world would be a world without frontiers and it would be almost impossible to control the enormous migratory movements foreseen by ILO. The international community must therefore pursue the fight against racism and all the evils it engendered and must also learn to keep ahead of events in order to foresee possible dangers.

The meeting rose at 4.25 p.m.